

FILED

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

JUL 17 2007

NEBRASKA DEPARTMENT  
OF INSURANCE

STATE OF NEBRASKA )  
DEPARTMENT OF INSURANCE, )  
 )  
PETITIONER, )  
 )  
VS. )  
 )  
DARCIE KAY SIMMONS, )  
 )  
RESPONDENT. )

CONSENT ORDER

CAUSE NO. A-1735

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Janette L. Adair and Darcie Kay Simmons ("Respondent"), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondent pursuant to Neb. Rev. Stat. §§ 44-101.01, 44-4047 et seq, and 44-19,106 et seq. (Reissue 2004).

2. Respondent was licensed as an insurance producer under the laws of Nebraska at all times material hereto.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Darcie Kay Simmons, Cause Number A-1735 on June 20, 2007. A copy of the petition was served upon the Respondent at the Respondent's address registered with the Department by certified mail, return receipt requested.

2. Respondent violated Neb. Rev. Stat. § 44-4059(1)(h) (Reissue 2004) as a result of the following conduct:

Respondent conducted a real estate closing on January 5, 2007. On or before February 5, 2007, Respondent altered a copy of the deed associated with this real estate transaction (hereinafter Johnson Deed) by altering and affixing the recording information from an unrelated deed to make it appear that the Johnson Deed had been filed with the Hall County Register of Deeds on January 8, 2007. On or before February 5, 2007, Respondent presented the altered Johnson Deed to the real estate broker associated with this real estate transaction as a copy of the filed Johnson Deed. Respondent failed to file the Johnson Deed with the Hall County Register of Deeds until February 7, 2007.

3. Respondent was informed of her right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving her right to a public hearing, Respondent also waives her right to confrontation of witnesses, production of evidence, and judicial review.

4. Respondent admits the allegations stated in Paragraphs 2 above.

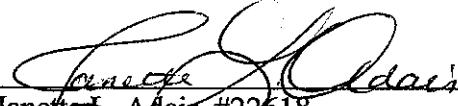
#### CONCLUSIONS OF LAW

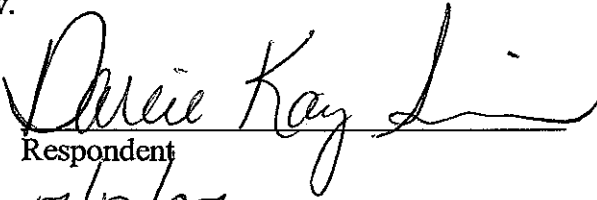
Respondent's conduct as alleged above constitutes a violation of Neb. Rev. Stat. § 44-4059(1)(h) (Reissue 2004).

#### CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed by Respondent, Darcie Kay Simmons, that Respondent's insurance producer license shall be immediately revoked. Additionally, Respondent is required to return her license to the Department of Insurance within ten (10) business days from the date the Director of the Department of Insurance affixes his signature to this document and approves this consent agreement. In witness of their intention to be bound by this Consent Order, each party has executed this

document by subscribing his signature below.

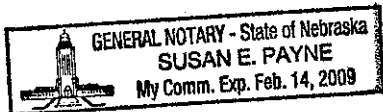
  
Janette L. Adair, #22618  
Attorney for Petitioner  
941 "O" Street, Suite 400  
Lincoln, NE 68508  
(402) 471-2201

  
Respondent  
7/12/07  
Date

7-17-07  
Date

State of Nebraska )  
County of Buffalo ) ss.

On this 12th day of July, 2007, Darcie Kay Simmons personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be her voluntary act and deed.




  
Notary Public

### CERTIFICATE OF ADOPTION

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. Darcie Kay Simmons, Cause No. A-1735.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

  
L. TIM WAGNER  
Director of Insurance

7/17/07  
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition and Notice of Hearing was served upon Respondent by mailing a copy to Respondent at P.O. Box 2596, Kearney, NE 68848, by certified mail, return receipt requested, and by mailing a copy to Respondent at 6107 Avenue Q Place, Kearney, NE 68847, by certified mail, return receipt requested, on this 18<sup>th</sup> day of June, 2007.

Karyn A. Gruhn